

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

MICHELLE DIANA CELILLO,

Plaintiff,

v.

COMMISSIONER OF SOCIAL
SECURITY,

Defendant.

No. 2:24-cv-01031-CKD

ORDER

Before the court is plaintiff's motion for an extension of time to file a notice of appeal of the April 15, 2025 judgment in this action. (ECF No. 16.)

Because an agency of the United States is a party, the notice of appeal was required to be filed within sixty days after the entry of final judgment. Fed. R. App. P. 4(a)(1)(B). This time constraint is "both mandatory and jurisdictional." United States v. Sadler, 480 F.3d 932, 937(9th Cir. 2007). Given the April 15, 2025 judgment, plaintiff's notice of appeal was due no later than June 14, 2025.

Plaintiff filed the instant motion to extend time on June 13, 2025, requesting a 60-day extension of time to find new counsel for her appeal, as she is no longer represented by counsel in this matter. (ECF No. 16.) Under Rule 4(a)(5) of the Federal Rules of Appellate Procedure, the district court may extend the time to file a notice of appeal if:

(i) a party so moves no later than 30 days after the time prescribed by this Rule 4(a) expires; and

(ii) regardless of whether its motion is filed before or during the 30 days after the time prescribed by this Rule 4(a) expires, that party shows excusable neglect or good cause.

Here, plaintiff timely moved to extend time to file an appeal, and her current pro se status and attempt to find new counsel to represent her in the appeal constitute good cause to extend time.

Accordingly, IT IS HEREBY ORDERED THAT:

1. Plaintiff's motion for extension of time to file notice of appeal (ECF No 16) is GRANTED; and
2. Plaintiff shall file any notice of appeal on or before August 13, 2025.

Dated: June 23, 2025



CAROLYN K. DELANEY
UNITED STATES MAGISTRATE JUDGE

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